

*John Blair Whidden V*

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March 1, 2004

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MUR # 5424

RECEIVED  
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Dear Sir or Madam:

I am a resident and registered voter in Winston-Salem, Forsyth County, North Carolina. Although I currently live in the 12<sup>th</sup> Congressional District, my home has been placed in both the 5<sup>th</sup> District and the 12<sup>th</sup> District in the last few years. I am very interested in our candidates for office in our County, particularly since we have two Congressional Districts in our County.

I am today filing a complaint against one of the Fifth Congressional District candidates, Senator Virginia Foxx. I was bothered to read in our local daily newspaper, the *Winston-Salem Journal*, on Sunday, February 22, 2004 where it appears that Senator Foxx was intermingling her State Senate campaign funds and her Congressional candidate campaign funds. I am attaching a copy of the article and request that you take this news story into account as a part of my complaint. In addition, the *Journal* published an editorial in their February 25, 2004 edition of the newspaper referencing the Foxx campaign violations, and I am also including a copy of this and ask that you also consider this as a part of my complaint.

I have also researched the referenced apparent violations of the campaign laws by examining Senator Foxx's state campaign records at the State Board of Elections website, [www.app2.sboe.state.nc.us/](http://www.app2.sboe.state.nc.us/). A review of these records reveals that the *Journal* story is correct. I would ask that you consider the data found in the State Board of Elections website concerning the campaign committee of Senator Virginia Foxx be included in my complaint.

I have also researched the referenced apparent violations of the campaign laws by examining Senator Foxx's federal Congressional campaign records at [www.fec.gov](http://www.fec.gov) under her committee, Virginia Foxx for Congress. I would ask that you consider the data contained in this website concerning the campaign reports of Virginia Foxx for Congress also be included as a part of my Complaint. I have also found the data contained in the FEC website pertaining to candidate Foxx to substantiate the statements contained in the *Journal* article and editorial.

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I have found that Senator Foxx has a Congressional campaign website, <http://virginiafoxx.com>. In this website Senator Foxx announced as a candidate for Congress on April 21, 2003. This means she was a candidate for Congress for well over seven months at the time of her year-end filing with the Federal Election Commission. Yet her year-end report does not reveal any expenditure whatsoever for telephone expense. The Fifth Congressional District is composed of 12 counties, and I do not understand how a Congressional Candidate who has raised over \$300,000 would not have a telephone for her campaign. However, her state filings show expenditures for telephone service during 2003.

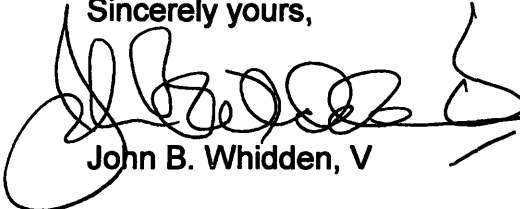
On this website, I found a news release by Senator Foxx dated February 5, 2004 wherein she states that she has spent a lower percentage of her Congressional campaign funds than any other candidate. I can certainly see how since it appears that she has been spending her State Senate funds for her Congressional expenses.

I also find it disturbing to see that Senator Foxx has continued to raise money for her "Senate" campaign when she continues to declare that she is not running for the State Senate, but only for Congress. She received large contributions for the "Senate" campaign from the Farm Bureau PAC, the Coca-Cola Consolidated Employee PAC, the Carolina Asphalt Association PAC, and the Bank of America PAC in August, 2003 and November, 2003 and held a fund raiser for the "Senate" campaign that she attended in February, 2004.

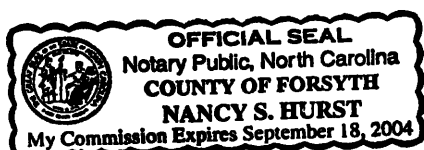
I would respectfully ask that you review all of the data that I have attached and that I have referenced on the various websites, and I believe you will conclude that there are substantial violations of the federal campaign law.

Thank you for your time and attention to this matter.

Sincerely yours,

  
John B. Whidden, V

Sworn to and subscribed before me this 1st day of March, 2004.



My commission expires: \_\_\_\_\_

  
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**Elections**

Sunday, February 22, 2004

## Foes in race for Congress question Foxx's finances Watauga Republican denies money spent by state campaign aids federal race

By David Rice  
JOURNAL RALEIGH BUREAU

Virginia Foxx is both a state senator and a candidate for the 5th District congressional seat.

But because she continues to run campaign committees for both positions, some of her opponents are asking whether her congressional campaign is helped by expenditures made by her ongoing N.C. Senate campaign.

Foxx, a Republican from Watauga County, declared herself a congressional candidate last April. She has repeatedly insisted that she is a candidate for Congress and not the N.C. Senate.

She even put out a news release recently saying that she is the most efficient campaign spender in the crowded 5th District field, spending a lower percentage of her federal campaign money than any other candidate.

Even though federal election law strictly forbids using expenditures in a state campaign to benefit a federal one, reports filed by Foxx's campaigns show:

- No telephone expenditures by her congressional campaign, and several thousand dollars in cellular, land-line and Internet-access bills paid through December by her state committee.
- Payments to the same consultants who set up the Web site for her congressional campaign to set up and maintain a new N.C. Senate campaign

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Web site for Foxx last May.

• Ads bought in a North Wilkesboro newspaper in October and on an Alleghany County radio station in December that were paid for by the state campaign. (Foxx contends that the ads are reasonable because both media outlets are in her Senate district.)

• Membership dues paid to the Yadkin County Chamber of Commerce, even though Yadkin County is not in Foxx's Senate district.

• Payments as late as July to an aide in Foxx's Senate campaign who later became the spokeswoman for her congressional campaign.

Foxx says she must pay for constituent services as a state senator that aren't covered by the expense allowance of \$559 a month that she gets from the General Assembly.

"I am not doing anything different than I have done for 10 years. If I am, then I think people could call it into question," she said. "Do I stop being a senator? No, I do not stop being a senator. It's not fair to my constituents to do that."

So Foxx continues to run her state-campaign committee, and an invitation sent out by the N.C. Assisted Living Association to a fund-raiser in Winston-Salem last Sunday instructed donors to make checks payable to the Virginia Foxx for N.C. Senate committee.

Some of Foxx's opponents for the congressional seat question her use of the state-campaign fund, saying that the expenditures by the state campaign indirectly benefit her congressional campaign.

"They absolutely do, because there's such a great overlap between her Senate district and the congressional district," said Ed Powell, a Republican candidate from Winston-Salem.

"When you spend \$34,746 for a state Senate campaign during 2003, when there's not even an election, I think it does raise some substantial questions as to whether this was for the state Senate campaign or for the congressional campaign," Powell said, citing the total spending by Foxx's state campaign in 2003.

Vernon Robinson, another candidate for the congressional seat, said that he wouldn't be surprised to see a complaint filed with the FEC over Foxx's finances.

"I quite frankly have never heard of an incumbent state senator spending \$35,000 on constituent service," Robinson said.

State campaigns in North Carolina are subject to a \$4,000 limit on contributions, and federal campaigns have a \$2,000 limit.

"If this is actually benefiting her federal campaign, it's a big problem, because it's using money that's not regulated by the federal system to benefit her (congressional) campaign," said Bob Hall, the research director at Democracy North Carolina, a campaign-finance watchdog group.

Foxx said that she doesn't tend to her campaign's finances herself, but said she went to a workshop in Washington where candidates were warned to keep

state and federal finances separate.

"I believe that I can justify every single expenditure of that Senate campaign," she said. "It is not to be used for anything having to do with the congressional campaign.

"As far as I know, everything is kept separate. That's my intention. If they have a complaint, they should go to the FEC," she said.

Foxx acknowledged in an interview that a phone line for her congressional campaign office was incorrectly billed to her state campaign. She said that even though her federal reports don't show telephone expenses, campaign employees are reimbursed for their use of personal cell phones in the campaign.

She also brought the dues paid to the Yadkin Chamber of Commerce to the Winston-Salem Journal's attention, citing it as another oversight.

"Those are the only two things that should not have been paid for out of the Senate campaign, and they will be corrected," she said.

Foxx said that she hadn't seen the invitation to the fund-raiser that instructed donors to make checks out to her N.C. Senate campaign. "I had nothing to do with it," she said.

She said that two employees who were paid first from her state-campaign account last spring but then showed up as employees of her federal campaign were working on letters and other constituent work associated with her N.C. Senate post. Foxx has hired part-time help in her Senate office for the past 10 years, she said.

"They were absolutely for work they did for the Senate office," Foxx said. "We do a lot of letters, and during session it's difficult to keep up with."

Foxx said that she paid her husband's business \$1,863 for a new computer to replace a 10-year-old model, and that the new computer is used only for Senate business. Foxx insists that she must still do constituent-service work as a state senator and use her campaign account to hire part-time help and pay for postage, dues and subscriptions that aren't covered by her General Assembly expense allowance.

"I have constituent work to do," she said. "Every year I have been in the North Carolina Senate, I have had expenses that are not covered."

She says categorically that she is not running for re-election to the Senate.

"I've said it a million times," Foxx said. "I am not running for the Senate. I am not going to change my mind. I am not running for the Senate."

But she says that she must also be able to use her state-campaign money as she's used them since she entered the Senate in 1994.

Though she is a candidate for Congress, "I cannot stop being a senator," she said.

"I think the issue is, have I done anything different since I became a

congressional candidate than I did in the last 10 years? Is there a double standard for me? I am doing my job as a senator. I have not changed the way I'm doing my job in 10 years.

"I unequivocally say my Senate campaign has not benefited my congressional campaign."

• David Rice can be reached in Raleigh at (919) 833-9056 or at [drice@wsjournal.com](mailto:drice@wsjournal.com)

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Wednesday, February 25, 2004

## Foxx's Lame Excuses

Winston-Salem Journal

In trying to explain her mingling of state and federal campaign funds, Sen. Virginia Foxx sounds like that great parser of the English language, Bill Clinton. Foxx, a candidate for Congress who has repeatedly stated that she is not a candidate for re-election to the N.C. Senate, tries to explain away her continued fund raising for, and spending from, her state Senate campaign fund as constituent-driven. But one of her congressional opponents, Vernon Robinson, is right on the mark when he skeptically says, "I quite frankly have never heard of an incumbent state senator spending \$35,000 on constituent service."

The issue is important because state and federal laws differ considerably on contribution limits. Foxx, a Republican from Watauga County, can raise \$4,000 per contributor for her state office. For a federal office, she can raise only \$2,000 per person.

Foxx's use of state campaign funds for purposes that will help her congressional effort are troublesome and worthy of a full review by the Federal Election Commission.

As reported Sunday by the Journal's David Rice, Foxx's spending from her state Senate campaign fund includes costs for her telephone, cell phone and Internet access, for political ads that ran in her Senate district, for membership dues to a chamber of commerce that is not in her Senate district, and for some salaries for people currently on her congressional campaign staff.

Foxx's explanation - that \$34,746 in spending from her Senate campaign fund in 2003 was for constituent service - is simply not plausible.

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State senators don't spend that kind of money for constituent services. And Foxx didn't either.

In the previous four off-years - 1995, 1997, 1999, 2001 - Foxx spent an average of only \$5,050 from her Senate campaign fund, and those were years when - unlike 2003 - she was preparing to run for re-election the next year. What voters have here is a politician who thought she could fudge on the rules and then talk her way out of trouble.

Foxx also tries to hide behind the veil of ignorance. She didn't know of some improper spending, and she only learned of it only when contacted by reporters. That sounds like the excuse that Meg Scott Phipps, the state's soon-to-be-imprisoned former agriculture commissioner, used when confronted with evidence of fraud in her campaign. Phipps had been a judge; Foxx has been a senator for 10 years. Both know enough to closely oversee their campaign's spending.

Interestingly, Foxx has never been one to commiserate for other officials who make mistakes. Her record in Raleigh is one of self-righteousness toward all with whom she disagrees. Now she's the one who messed up, and she expects voters to believe that she's as innocent as a lamb. No one's going to buy that, and the FEC shouldn't either.

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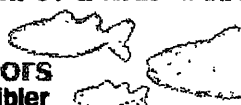
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